

April 14, 2008

Atty Docket No.: DE 030351 (79002-30)

Serial No.: 10/575,585

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REMARKS

Drawing Objection. In the Non-Final Office Action, Examiner Kao objected to drawings for failing to mention reference characters 22 and 34 as shown in FIGS. 1 and 2 in the specification. To obviate this drawing objection, the Applicant has amended the specification herein to mention reference characters 22 and 34 in the specification. No new matter was introduced by these amendments to the specification. Withdrawal of the objection to the drawings is therefore respectfully requested.

Specification Amendments. In the Non-Final Office Action, Examiner Kao objected to the specification for various reasons. To obviate the objections, the Applicant has amended the specification herein to remove any reference of claims in the specification and to correct typographical errors in the specification. No new matter was introduced by these amendments to the specification. Withdrawal of the objections to the specification is therefore respectfully requested.

Further, in the Non-Final Office Action, Examiner Kao requested the various sections of the specification be delineated with appropriate headings. The Applicant hereby respectfully declines to add the headings in the specification in view of the specification headings not being a requirement in accordance with MPEP §608.01(a).

Claim Objections. In the Non-Final Office Action, Examiner Kao objected to claims 1-9, 12 and 13 in view of draft errors including grammatical and/or antecedent basis problems. The Applicant has amended claims 1, 4, 7-9, 12 and 13 herein to correct the draft errors cited by Examiner Kao. No new matter was introduced by the amendments of claims 1, 4, 7-9, 12 and 13 herein for purposes of correcting the draft errors cited by Examiner Kao. Withdrawal of the objections to claims 1-9, 12 and 13 is therefore respectfully requested.

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Claim Rejections. In the Non-Final Office Action, Examiner Kao rejected pending claims 1-13 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Kao rejected claims 6 and 7 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention

The Applicant has amended claims 6 and 7 herein to respectively recite “wherein the source of radiation is arranged opposite to the radiation detector array during scanning” and “wherein the first line is arranged at a distance from the geometrical center of the radiation detector array in a direction along which the object of interest is displaced with respect to the radiation detector array during scanning”. Withdrawal of the rejection of claims 6 and 7 herein under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- B. Examiner Kao rejected independent claim 13 under 35 U.S.C. §101 as being directed to non-statutory subject matter

The Applicant has amended independent claim 13 herein to recite “A computer-readable medium tangibly embodying a program of instructions executable for operating a coherent-scatter computed tomography apparatus, wherein, when the instructions are executed on a processor of the coherent-scatter computed tomography apparatus, the computer-readable medium causes the coherent-scatter computed tomography apparatus to perform the following operations”. Withdrawal of the rejection of independent claim 13 herein under 35 U.S.C. §101 as being directed to non-statutory subject matter is therefore respectfully requested.

- C. Examiner Kao rejected claims 1-12 under 35 U.S.C. §102(b) as being anticipated by EP 1062914 to *Lazarev et al.*

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The Applicant has thoroughly considered Examiner Kao's remarks concerning the patentability of claims 1-12 over *Lazarev*. The Applicant has also thoroughly read *Lazarev*. To warrant this §102(b) rejection of claims 1-12, each and every element as set forth in independent claims 1 and 10 must be either expressly or inherently described in *Lazarev*. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claims 1 and 10, because *Lazarev* fails to describe, expressly or inherently, "wherein a first part of the radiation detector array is used for a cone beam data acquisition and a second part of the radiation detector array is used for scatter radiation measurements" as originally recited in dependent claim 5 and currently recited in amended independent claims 1 and 10. Specifically, a careful review of *Lazarev* reveals that *Lazarev* in fact fails to describe, expressly or inherently, the aforementioned limitation.

Withdrawal of the rejection of independent claims 1 and 10 under 35 U.S.C. §102(b) as being anticipated by *Lazarev* is therefore respectfully requested.

Claims 2-9 depend from independent claim 1. Therefore, dependent claims 2-9 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-9 are allowable over *Lazarev* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Lazarev*. Withdrawal of the rejection of dependent claims 2-9 under 35 U.S.C. §102(b) as being anticipated by *Lazarev* is therefore respectfully requested.

Claims 11 and 12 depend from independent claim 10. Therefore, dependent claims 11 and 12 include all of the elements and limitations of independent claim 10. It is therefore respectfully submitted by the Applicant that dependent claims 11 and 12 are allowable over *Lazarev* for at least the same reason as set forth herein with respect to independent claim 10 being allowable over *Lazarev*. Withdrawal of the rejection of dependent claims 11 and 12 under 35 U.S.C. §102(b) as being anticipated by *Lazarev* is therefore respectfully requested.

- D. Examiner Kao rejected independent claim 13 under 35 U.S.C. §103(a) as being unpatentable over EP 1062914 to *Lazarev et al.* in view of U.S. Patent No. 6,459,755 to *Li et al.*

The Applicant has thoroughly considered Examiner Kao's remarks concerning the patentability of claim 13 over *Lazarev* in view of *Li*. The Applicant has also thoroughly read *Lazarev* in view of *Li*. To warrant this §103(a) rejection of independent claim 13, *Lazarev* and *Li* in combination must teach or suggest each and every limitation of independent claim 13 in as complete detail as in contained independent claim 13. See, MPEP §2143. The Applicant respectfully traverses this §103(a) rejection of independent claim 13, because *Lazarev* and *Li* in combination fail to teach or suggest "wherein a first part of the radiation detector array is used for a cone beam data acquisition and a second part of the radiation detector array is used for scatter radiation measurements" as originally recited in dependent claim 5 and currently recited in amended independent claim 13. Specifically, a careful review of *Lazarev* reveals that *Lazarev* in fact fails to describe, expressly or inherently, the aforementioned limitation, and *Li* fails to teach or suggest a modification of *Lazarev* to include the aforementioned limitation.

Withdrawal of the rejection of independent claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Lazarev* in view of *Li* therefore respectfully requested.

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SUMMARY

The Applicant respectfully submits that claims 1-13 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Kao is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: April 14, 2008

Respectfully submitted,
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